

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

JUL 15 2004

LARRY W. PROPPES, CLERK
U. S. DISTRICT COURT

UNITED STATES OF AMERICA)
)
-versus-)
)
TEHRAN L. JETER aka Stank) 7:03-1094
DEBRA GRAY aka Kiss Eye)
DERRICK SMITH aka Little D)
MARCUS L. GIST aka Pig Pen)
MICHAEL ODELL CHEEK aka Big Mike)
SHAKITTA J. GRAY aka Keilah)
WILLIE EUGENE DUCKETT aka Pimp)
KIMBERLY NICOLE GRAY)
WILLIE MEADOWS aka Chilly Willie)
LEMONZE E. FORD)
TRAVIS J. STROUD aka Snoop)
)
Defendants) 3-29-04
)
) Spartanburg, SC

CHANGE OF PLEA

BEFORE THE HONORABLE HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE, presiding

A P P E A R A N C E S:

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280

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21

22 Court Reporter: Jean L. Cole, RMR
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25 The proceedings were taken by mechanical stenography and the
transcript produced by computer.

1 THE COURT: Y'all will have to help me along the way
2 when we get to who's pleading to what.

3 MS. HOWARD: Yes, sir.

4 THE COURT: All right. Mr. Clerk, if you would
5 swear them all in.

6 (All defendants sworn as a group.)

7 THE COURT: All right. Ladies and gentlemen, you
8 need be sure and speak up so the court reporter can hear your
9 responses and please answer the questions truthfully as they
10 relate to you and not just because your neighbor answered the
11 question one way or the other.

12 Mr. Jeter, you're represented by Mr. Clarke?

13 THE DEFENDANT JETER: Yes, sir.

14 THE COURT: And, Ms. Gray, you're represented by Ms.
15 Chamberlain?

16 THE DEFENDANT D. GRAY: Yes, sir.

17 THE COURT: And, Mr. Smith, you're represented by
18 Mr. Long?

19 THE DEFENDANT SMITH: Yes, sir.

20 THE COURT: Mr. Gist, by Mr. Boggs?

21 THE DEFENDANT GIST: Yes, sir.

22 THE COURT: And, Mr. Cheek, by Mr. Richey?

23 THE DEFENDANT CHEEK: Yes, sir.

24 THE COURT: And, Ms. Gray, by Ms. Salvini?

25 THE DEFENDANT S. GRAY: Yes, sir.

1 THE COURT: And then, Mr. Duckett, by Mr.
2 MacKinnon?

3 THE DEFENDANT DUCKETT: Yes, sir.

4 THE COURT: Ms. Gray -- I'm sorry. We've got two
5 Grays. Okay. Kimberly Gray, you're represented by Ms. Hall?

6 THE DEFENDANT K. GRAY: Yes, sir.

7 THE COURT: And then, Mr. Meadows, represented by
8 Mr. Vieth?

9 THE DEFENDANT MEADOWS: Yes, sir.

10 THE COURT: And, Mr. Ford, by Mr. Steele?

11 THE DEFENDANT FORD: Yes, sir.

12 THE COURT: And, Mr. Stroud, by Mr. Quinn?

13 THE DEFENDANT STROUD: Yes, sir.

14 THE COURT: All right.

15 MR. MANGRUM: No, sir. Mr. Mangrum.

16 THE COURT: I'm sorry?

17 MR. MANGRUM: Mr. Mangrum.

18 THE COURT: Mr. Mangrum, I'm sorry.

19 MR. MANGRUM: Mr. Quinn was previously his
20 attorney. I was appointed.

21 THE COURT: I was just reading off the list here and
22 not looking. All right. I need to ask all of you certain
23 questions, so please be sure, as I said, to answer them
24 truthfully as they relate to you.

25 Do each of you understand that you're now under oath

1 and any answer to any of my -- if you answer any of my questions
2 falsely, those answers may later be used against you in another
3 prosecution for perjury or for making a false statement? The
4 question is do each of you understand that? Mr. Jeter?

5 THE DEFENDANT JETER: Yes, sir.

6 THE COURT: Ms. Gray?

7 THE DEFENDANT D. GRAY: Yes, sir.

8 THE COURT: Derrick -- Derrick Smith?

9 THE DEFENDANT SMITH: Yes, sir.

10 THE COURT: Mr. Gist?

11 THE DEFENDANT GIST: Yes, sir.

12 THE COURT: Mr. Cheek?

13 THE DEFENDANT CHEEK: Yes, sir.

14 THE COURT: Ms. Shakitta Gray?

15 THE DEFENDANT S. GRAY: Yes, sir.

16 THE COURT: Mr. Duckett?

17 THE DEFENDANT DUCKETT: Yes, sir.

18 THE COURT: Ms. Kimberly Gray?

19 THE DEFENDANT K. GRAY: Yes, sir.

20 THE COURT: Mr. Meadows?

21 THE DEFENDANT MEADOWS: Yes, sir.

22 THE COURT: Mr. Ford?

23 THE DEFENDANT FORD: Yes, sir.

24 THE COURT: And Mr. Stroud?

25 THE DEFENDANT STROUD: Yes, sir.

1 THE COURT: All right. I need to talk with you
2 individually for just a few minutes. Mr. Jeter, how old are
3 you?

4 THE DEFENDANT JETER: Twenty-four.

5 THE COURT: How far did you go in school?

6 THE DEFENDANT JETER: Ninth.

7 THE COURT: Read and write and understand the
8 English language?

9 THE DEFENDANT JETER: Yes, sir.

10 THE COURT: Have you been able to communicate with
11 your attorney, Mr. Clarke?

12 THE DEFENDANT JETER: Yes, sir.

13 THE COURT: Are you currently under the influence of
14 any drugs, medication or alcoholic beverage of any kind?

15 THE DEFENDANT JETER: No, sir.

16 THE COURT: Ever been treated for any kind of abuse
17 of drugs or alcohol or mental illness?

18 THE DEFENDANT JETER: No, sir.

19 THE COURT: Ms. Gray, how old are you?

20 THE DEFENDANT D. GRAY: Forty.

21 THE COURT: How far did you go in school?

22 THE DEFENDANT D. GRAY: Seventh grade.

23 THE COURT: But you can read, write and understand
24 the English language?

25 THE DEFENDANT D. GRAY: Yes, sir.

1 THE COURT: Have you been able to communicate with
2 your attorney, Ms. Chamberlain?

3 THE DEFENDANT D. GRAY: Yes, sir.

4 THE COURT: And have you -- are you currently under
5 the influence of any drugs, medication or alcohol?

6 THE DEFENDANT D. GRAY: No, sir.

7 THE COURT: Ever been treated for abuse of alcohol,
8 drugs or mental illness?

9 (Ms. D. Gray conferred with her attorney off the
10 record.)

11 MS. CHAMBERLAIN: She did receive brief treatment
12 for drug abuse back in -- back in ninety-seven, ninety-eight.

13 THE COURT: All right. Mr. Smith, how old are you?

14 THE DEFENDANT SMITH: Twenty-five.

15 THE COURT: How far did you go in school?

16 THE DEFENDANT SMITH: Ninth.

17 THE COURT: Read and write and understand the
18 English language?

19 THE DEFENDANT SMITH: Yes, sir.

20 THE COURT: Have you been able to communicate with
21 your attorney, Mr. Long?

22 THE DEFENDANT SMITH: Yes, sir.

23 THE COURT: Have you -- are you currently under the
24 influence of any drugs or alcohol or medication?

25 THE DEFENDANT SMITH: No, sir.

1 THE COURT: Ever been treated for abuse of alcohol,
2 drugs or mental illness?

3 THE DEFENDANT SMITH: No, sir.

4 THE COURT: Mr. Gist, how old are you?

5 THE DEFENDANT GIST: Twenty-two.

6 THE COURT: How far did you go in school?

7 THE DEFENDANT GIST: Tenth grade.

8 THE COURT: Read and write and understand the
9 English language?

10 THE DEFENDANT GIST: Yes, sir.

11 THE COURT: Have you been able to communicate with
12 your attorney, Mr. Boggs?

13 THE DEFENDANT GIST: Yes, sir.

14 THE COURT: Within the last twenty-four hours have
15 you taken any medication, drugs or --

16 THE DEFENDANT GIST: No, sir.

17 THE COURT: -- alcohol?

18 THE COURT: Ever been treated for abuse of alcohol,
19 drugs or mental illness?

20 THE DEFENDANT GIST: No, sir.

21 THE COURT: Mr. Cheek, how old are you, sir?

22 THE DEFENDANT CHEEK: Twenty-three.

23 THE COURT: How far did you go in school?

24 THE DEFENDANT CHEEK: Ninth grade.

25 THE COURT: You can read and write and understand

1 the English language?

2 THE DEFENDANT CHEEK: Yes, sir.

3 THE COURT: Have you been able to communicate with
4 your attorney, Mr. Richey?

5 THE DEFENDANT CHEEK: Yes, sir.

6 THE COURT: Sir, are you -- within the last
7 twenty-four hours have you taken any medication, drugs or
8 alcohol?

9 THE DEFENDANT CHEEK: No, sir.

10 THE COURT: Ever been treated for abuse of alcohol,
11 drugs or mental illness?

12 THE DEFENDANT CHEEK: No, sir.

13 THE COURT: Ms. Shakitta Gray, how old are you?

14 THE DEFENDANT S. GRAY: Twenty-eight.

15 THE COURT: And how far did you go in school?

16 THE DEFENDANT S. GRAY: Tenth.

17 THE COURT: And you can read and write and
18 understand the English language?

19 THE DEFENDANT S. GRAY: Yes, sir.

20 THE COURT: Within the last twenty-four hours have
21 you taken any medication, drugs or alcohol?

22 THE DEFENDANT S. GRAY: No, sir.

23 THE COURT: Ever been treated for abuse of alcohol,
24 drugs or mental illness?

25 THE DEFENDANT S. GRAY: No, sir.

1 THE COURT: You've been able to communicate with
2 your attorney, Ms. Salvini?

3 THE DEFENDANT S. GRAY: Yes, sir.

4 THE COURT: Mr. Duckett, how old are you, sir?

5 THE DEFENDANT DUCKETT: Thirty-nine.

6 THE COURT: And how far did you go in school?

7 THE DEFENDANT DUCKETT: I completed twelfth.

8 THE COURT: And you can read and write and
9 understand the English language?

10 THE DEFENDANT DUCKETT: Yes, sir.

11 THE COURT: Within the last twenty-four hours have
12 you taken any medication, drugs or alcohol?

13 THE DEFENDANT DUCKETT: No, sir.

14 THE COURT: Ever been treated for abuse of alcohol,
15 drugs or a mental illness?

16 THE DEFENDANT DUCKETT: Ten years ago.

17 THE COURT: And what was that for? Drugs or
18 alcohol?

19 THE DEFENDANT DUCKETT: Drugs.

20 THE COURT: Drugs. All right. Have you been able
21 to communicate about your case with your attorney, Mr.
22 MacKinnon?

23 THE DEFENDANT DUCKETT: Yes, sir.

24 THE COURT: Ms. Kimberly Gray, how old are you,
25 ma'am?

1 THE DEFENDANT K. GRAY: Twenty-three.

2 THE COURT: How far did you go in school?

3 THE DEFENDANT K. GRAY: Eighth.

4 THE COURT: But you can read and write and
5 understand the English language?

6 THE DEFENDANT K. GRAY: Yes, sir.

7 THE COURT: Have you been able to communicate with
8 your attorney, Ms. Hall, about your case?

9 THE DEFENDANT K. GRAY: Yes, sir.

10 THE COURT: And within the last twenty-four hours
11 have you taken any medication, drugs or alcohol?

12 THE DEFENDANT K. GRAY: No, sir.

13 THE COURT: Ever been treated for abuse of alcohol,
14 drugs or mental illness?

15 THE DEFENDANT K. GRAY: No, sir.

16 THE COURT: Mr. Meadows, how old are you, sir?

17 THE DEFENDANT MEADOWS: Thirty-four.

18 THE COURT: And how far did you go in school?

19 THE DEFENDANT MEADOWS: Completed twelfth grade.

20 THE COURT: And you can read and write and
21 understand the English language?

22 THE DEFENDANT MEADOWS: Yes, sir.

23 THE COURT: Have you been able to communicate with
24 your attorney, Mr. Vieth, in this case?

25 THE DEFENDANT MEADOWS: Yes, sir.

1 THE COURT: Within the last twenty-four hours have
2 you taken any medication, drugs or alcohol?

3 THE DEFENDANT MEADOWS: No, sir.

4 THE COURT: Ever been treated for abuse of alcohol,
5 drugs or mental illness?

6 THE DEFENDANT MEADOWS: No, sir.

7 THE COURT: Mr. Ford, how old are you, sir?

8 THE DEFENDANT FORD: Twenty-three.

9 THE COURT: And how far did you go in school?

10 THE DEFENDANT FORD: Tenth.

11 THE COURT: You can read and write and understand
12 the English language?

13 THE DEFENDANT FORD: Yes, sir.

14 THE COURT: Have you been able to communicate with
15 your attorney, Mr. Steele?

16 THE DEFENDANT FORD: Yes, sir.

17 THE COURT: Within the last twenty-four hours have
18 you taken any medication, drugs or alcohol?

19 THE DEFENDANT FORD: No, sir.

20 THE COURT: Ever been treated for abuse of alcohol,
21 drugs or mental illness?

22 THE DEFENDANT FORD: No, sir.

23 THE COURT: Mr. Stroud, how old are you, sir?

24 THE DEFENDANT STROUD: Twenty-one, sir.

25 THE COURT: And how far did you go in school?

1 THE DEFENDANT STROUD: Ninth grade.

2 THE COURT: And you can read, write and understand
3 the English language?

4 THE DEFENDANT STROUD: Yes, sir.

5 THE COURT: Within the last twenty-four hours have
6 you taken any medication, drugs or alcohol?

7 THE DEFENDANT STROUD: No, sir.

8 THE COURT: Ever been treated for abuse of alcohol,
9 drugs or mental illness?

10 THE DEFENDANT STROUD: No, sir.

11 THE COURT: Have you been able to communicate with
12 your attorney, Mr. Mangrum, in this case?

13 THE DEFENDANT STROUD: Yes, sir.

14 THE COURT: Do each of you understand what is
15 happening here today? In other words, do each you understand
16 that you're here pleading guilty to a charge or charge against
17 you brought by the government and that as a result of the guilty
18 plea if taken that you would be sentenced to some type of --
19 could be imprisoned. Mr. Jeter, do you understand that?

20 THE DEFENDANT JETER: Yes, sir.

21 THE COURT: Mr. -- Ms. Gray?

22 THE DEFENDANT D. GRAY: Yes, sir.

23 THE COURT: Ms. -- Mr. Smith?

24 THE DEFENDANT SMITH: Yes, sir.

25 THE COURT: Mr. Gist?

1 THE DEFENDANT GIST: Yes, sir.

2 THE COURT: Mr. Cheek?

3 THE DEFENDANT CHEEK: Yes, sir.

4 THE COURT: Ms. Shakitta Gray?

5 THE DEFENDANT S. GRAY: Yes, sir.

6 THE COURT: Mr. Duckett?

7 THE DEFENDANT DUCKETT: Yes, sir.

8 THE COURT: Ms. Kimberly Gray?

9 THE DEFENDANT K. GRAY: Yes, sir.

10 THE COURT: Mr. Meadows?

11 THE DEFENDANT MEADOWS: Yes, sir.

12 THE COURT: Mr. Ford?

13 THE DEFENDANT FORD: Yes, sir.

14 THE COURT: And Mr. Stroud?

15 THE DEFENDANT STROUD: Yes, sir.

16 THE COURT: All right. Do any of the attorneys have
17 any reservation about the competency of their clients to enter
18 pleas of guilty today? Mr. Clarke?

19 MR. CLARKE: No reservation.

20 THE COURT: That's as to Mr. Jeter. Ms.
21 Chamberlain, as to Ms. Gray?

22 MS. CHAMBERLAIN: No, your Honor.

23 THE COURT: Mr. Long, as to Mr. Derrick Smith?

24 MR. LONG: No, sir.

25 THE COURT: Mr. Boggs, as to Marcus Gist?

1 MR. BOGGS: No, your Honor.

2 THE COURT: Mr. Richey, as to Mr. Cheek?

3 MR. RICHEY: None, your Honor.

4 THE COURT: Ms. Salvini, as to Shakitta Gray?

5 MS. SALVINI: None, your Honor.

6 THE COURT: Mr. MacKinnon, as to Mr. Duckett?

7 MR. MACKINNON: No, your Honor.

8 THE COURT: Hs. Hall, as to Ms. Nicole -- Kimberly
9 Nicole Gray?

10 MS. HALL: No, your Honor.

11 THE COURT: Mr. Vieth, as to Willie Meadows?

12 MR. VIETH: No, your Honor.

13 THE COURT: And, Mr. Steele, as to Mr. Ford?

14 MR. STEELE: No, sir.

15 THE COURT: And, Mr. Mangrum, as to Mr. Stroud?

16 MR. MANGRUM: None, your Honor.

17 THE COURT: All right. I find that each of the
18 defendants appear to be competent to enter their pleas of guilt
19 based upon my observation and representation of their client --
20 of their attorneys.

21 Have each of you had an ample opportunity to discuss
22 your case with your attorney and are you satisfied with your
23 attorney's representation? Mr. Jeter?

24 THE DEFENDANT JETER: Yes, sir.

25 THE COURT: As to both questions?

1 THE DEFENDANT JETER: Yes, sir.

2 THE COURT: Ms. Debra Gray?

3 THE DEFENDANT D. GRAY: Yes, sir.

4 THE COURT: As to both questions?

5 THE DEFENDANT D. GRAY: Yes, sir.

6 THE COURT: Mr. Smith?

7 THE DEFENDANT SMITH: Yes, sir.

8 THE COURT: As to both questions?

9 THE DEFENDANT SMITH: Yes, sir.

10 THE COURT: Mr. Gist, as to both questions?

11 THE DEFENDANT GIST: Yes, sir.

12 THE COURT: Mr. Cheek, as to both questions?

13 THE DEFENDANT CHEEK: Yes, sir.

14 THE COURT: Mr. Gray, as to -- Ms. Gray, as to both

15 questions?

16 THE DEFENDANT S. GRAY: Yes, sir.

17 THE COURT: Ms. -- Mr. Duckett, as to both

18 questions?

19 THE DEFENDANT DUCKETT: Yes, sir.

20 THE COURT: Ms. Kimberly Gray, as to both

21 questions?

22 THE DEFENDANT K. GRAY: Yes, sir.

23 THE COURT: Mr. Meadows, as to both questions?

24 THE DEFENDANT MEADOWS: Yes, sir.

25 THE COURT: Mr. Ford, as to both questions?

1 THE DEFENDANT FORD: Yes, sir.

2 THE COURT: And Mr. Stroud?

3 THE DEFENDANT STROUD: Yes, sir.

4 THE COURT: Has your attorney done everything that
5 you have asked him or her to do and if not, is there anything
6 else that you would like for them to do? Mr. Jeter?

7 THE DEFENDANT JETER: No, sir.

8 THE COURT: All right. And he's done everything you
9 want him to do?

10 THE DEFENDANT JETER: Yes, sir.

11 THE COURT: Let me back that question up. I tried
12 the short cut. Let's just stick to one question. Has your
13 attorney done everything that you wanted him to do?

14 THE DEFENDANT JETER: Yes, sir.

15 THE COURT: Is there anything else you want him to
16 do?

17 THE DEFENDANT JETER: No, sir.

18 THE COURT: Ms. Debra Gray, has your attorney done
19 everything?

20 THE DEFENDANT D. GRAY: Yes, sir.

21 THE COURT: Anything else you want him to do?

22 THE DEFENDANT D. GRAY: No, sir.

23 THE COURT: Mr. Smith, has your attorney done
24 everything?

25 THE DEFENDANT SMITH: Yes, sir.

1 THE COURT: Anything else you want him to do?

2 THE DEFENDANT SMITH: No, sir.

3 THE COURT: Mr. Gist -- I'm sorry. Mr. Smith --

4 MR. BOGGS: No, sir. It's Mr. Gist.

5 THE COURT: Mr. Gist?

6 THE DEFENDANT GIST: Yes, sir.

7 THE COURT: Everything -- has he done everything you
8 wanted him to do?

9 THE DEFENDANT GIST: Yes, sir.

10 THE COURT: Mr. Cheek?

11 THE DEFENDANT CHEEK: Yes, sir.

12 THE COURT: Has your attorney done everything?

13 THE DEFENDANT CHEEK: Yes, sir.

14 THE COURT: Anything else you want him to do?

15 THE DEFENDANT CHEEK: No, sir.

16 THE COURT: Ms. Shakitta Gray?

17 THE DEFENDANT S. GRAY: Yes, sir.

18 THE COURT: And anything else you want Ms. Salvini
19 to do?

20 THE DEFENDANT S. GRAY: No, sir.

21 THE COURT: Mr. Duckett, as to Mr. MacKinnon?

22 THE DEFENDANT DUCKETT: Yes, sir.

23 THE COURT: And anything else you want him to do?

24 THE DEFENDANT DUCKETT: Not right now.

25 THE COURT: Ms. Kimberly Gray?

1 THE DEFENDANT K. GRAY: Yes, sir.

2 THE COURT: Satisfied with your attorney?

3 THE DEFENDANT K. GRAY: Yes, sir.

4 THE COURT: Anything else you want her to do?

5 THE DEFENDANT K. GRAY: No, sir.

6 THE COURT: Mr. Meadows, has your attorney done
7 everything that you wanted him to do?

8 THE DEFENDANT MEADOWS: Yes, sir.

9 THE COURT: Anything else?

10 THE DEFENDANT MEADOWS: (Shakes head negatively.)

11 THE COURT: Mr. Ford, has your attorney done
12 everything?

13 THE DEFENDANT FORD: Yes, sir.

14 THE COURT: Anything else you want him to do?

15 THE DEFENDANT FORD: Try to get a bond reduction.

16 COURT REPORTER: I'm sorry?

17 THE COURT: Try to get a bond adjusted.

18 MR. STEELE: Try to get him a bond reduction.

19 THE COURT: Mr. Stroud, has your attorney done
20 everything you've asked him to do?

21 THE DEFENDANT STROUD: Yes, sir.

22 THE COURT: Anything else you want him to do?

23 THE DEFENDANT STROUD: No, sir.

24 THE COURT: Do each of you understand that under the
25 constitution and the laws of the United States that you're

1 entitled to a trial by jury on each of the charge or charges
2 contained in the indictment against you? Mr. Jeter, do you
3 understand that?

4 THE DEFENDANT JETER: Yes, sir.

5 THE COURT: Do you want a jury trial?

6 THE DEFENDANT JETER: No, sir.

7 THE COURT: Mr. -- Ms. Debra Gray, do you understand
8 that?

9 THE DEFENDANT D. GRAY: Yes, sir.

10 THE COURT: Do you want a jury trial?

11 THE DEFENDANT D. GRAY: No, sir.

12 THE COURT: Ms. Smith -- Mr. Smith do you understand
13 that?

14 THE DEFENDANT SMITH: Yes, sir.

15 THE COURT: Do you want a jury trial?

16 THE DEFENDANT SMITH: No, sir.

17 THE COURT: Mr. Gist, do you understand that?

18 THE DEFENDANT GIST: Yes, sir.

19 THE COURT: Do you want a jury trial?

20 THE DEFENDANT GIST: No, sir.

21 THE COURT: Mr. Cheek, do you understand that?

22 THE DEFENDANT CHEEK: Yes, sir.

23 THE COURT: Do you want a jury trial?

24 THE DEFENDANT CHEEK: No, sir.

25 THE COURT: Ms. Shakitta Gray, do you understand

1 that?

2 THE DEFENDANT S. GRAY: Yes, sir.

3 THE COURT: Do you want a jury trial?

4 THE DEFENDANT S. GRAY: No, sir.

5 THE COURT: Mr. Duckett, do you understand that?

6 THE DEFENDANT DUCKETT: Yes, sir.

7 THE COURT: Do you want a jury trial?

8 THE DEFENDANT DUCKETT: No, sir.

9 THE COURT: Ms. Kimberly Gray, do you understand
10 that?

11 THE DEFENDANT K. GRAY: Yes.

12 THE COURT: Do you want a jury trial?

13 THE DEFENDANT K. GRAY: No, sir.

14 THE COURT: Mr. Meadows, do you understand that?

15 THE DEFENDANT MEADOWS: Yes, sir.

16 THE COURT: Do you want a jury trial?

17 THE DEFENDANT: No, sir.

18 THE COURT: Mr. Ford, do you understand that?

19 THE DEFENDANT FORD: Yes, sir.

20 THE COURT: Do you want a jury trial?

21 THE DEFENDANT FORD: No, sir.

22 THE COURT: Mr. Stroud, do you understand that?

23 THE DEFENDANT STROUD: Yes, sir.

24 THE COURT: Do you want a jury trial?

25 THE DEFENDANT STROUD: No, sir.

1 THE COURT: There are a number of procedural and
2 substantive rights that you're entitled to if you were to go to
3 trial. I need to make sure that you understand that by pleading
4 guilty you'd be giving up each of these rights. First of all,
5 do each of you understand that if you went to trial, that you'd
6 have the right to assistance of counsel and that you'd be
7 presumed to be innocent of the crime alleged against you, and
8 the government would have to -- would be required to prove each
9 of the allegations contained in the indictment beyond a
10 reasonable doubt? Do each of you understand that by -- that
11 right and by pleading guilty you'd be giving up that right? Mr.
12 Jeter?

13 THE DEFENDANT JETER: Yes, sir.

14 THE COURT: Ms. Gray?

15 THE DEFENDANT D. GRAY: Yes, sir.

16 THE COURT: Mr. Derrick Smith?

17 THE DEFENDANT SMITH: Yes, sir.

18 THE COURT: Mr. Gist?

19 THE DEFENDANT GIST: Yes, sir.

20 THE COURT: Mr. Cheek?

21 THE DEFENDANT CHEEK: Yes, sir.

22 THE COURT: Ms. Shakitta Gray?

23 THE DEFENDANT S. GRAY: Yes, sir.

24 THE COURT: Mr. Duckett?

25 THE DEFENDANT DUCKETT: Yes, sir.

1 THE COURT: Ms. Kimberly Gray?

2 THE DEFENDANT K. GRAY: Yes, sir.

3 THE COURT: Mr. Meadows?

4 THE DEFENDANT MEADOWS: Yes, sir.

5 THE COURT: Mr. Ford?

6 MR. FORD: Yes, sir.

7 THE COURT: And Mr. Stroud?

8 THE DEFENDANT STROUD: Yes, sir.

9 THE COURT: Do you also understand that based on
10 that presumption of innocence you would not have to offer any
11 defense or prove anything if you went to trial? Mr. Jeter, do
12 you understand that?

13 THE DEFENDANT JETER: Yes, sir.

14 THE COURT: Mr. -- Ms. Gray?

15 THE DEFENDANT D. GRAY: Yes, sir.

16 THE COURT: Mr. Smith?

17 THE DEFENDANT SMITH: Yes, sir.

18 THE COURT: Mr. Gist.

19 THE DEFENDANT GIST: Yes, sir.

20 THE COURT: Mr. Cheek?

21 THE DEFENDANT CHEEK: Yes, sir.

22 THE COURT: Ms. Shakitta Gray?

23 THE DEFENDANT S. GRAY: Yes, sir.

24 THE COURT: Mr. Duckett?

25 THE DEFENDANT DUCKETT: Yes, sir.

1 THE COURT: Ms. Kimberly Gray?

2 THE DEFENDANT K. GRAY: Yes, sir.

3 THE COURT: Mr. Meadows?

4 THE DEFENDANT MEADOWS: Yes, sir.

5 THE COURT: Mr. Ford?

6 THE DEFENDANT FORD: Yes, sir.

7 THE COURT: And Mr. Stroud?

8 THE DEFENDANT STROUD: Yes, sir.

9 THE COURT: Do you also understand that if you went
10 to trial, the government would have to produce the witnesses to
11 testify in your presence and that your attorney could
12 cross-examine the witnesses by the government, object to the
13 admission of evidence offered by the government and also offer
14 any -- offer evidence on your own behalf? Mr. Jeter, do you
15 understand that?

16 THE DEFENDANT JETER: Yes, sir.

17 THE COURT: Ms. Gray, Debra Gray, do you understand
18 that?

19 THE DEFENDANT D. GRAY: Yes, sir.

20 THE COURT: Mr. Smith?

21 THE DEFENDANT SMITH: Yes, sir.

22 THE COURT: Mr. Gist?

23 THE DEFENDANT GIST: Yes, sir.

24 THE COURT: Mr. Cheek?

25 THE DEFENDANT CHEEK: Yes, sir.

1 THE COURT: Mr. Shakitta -- Ms. Shakitta Gray?

2 THE DEFENDANT S. GRAY: Yes, sir.

3 THE COURT: Mr. Duckett?

4 THE DEFENDANT DUCKETT: Yes, sir.

5 THE COURT: Ms. Kimberly Gray?

6 THE DEFENDANT K. GRAY: Yes, sir.

7 THE COURT: Mr. Meadows?

8 THE DEFENDANT MEADOWS: Yes, sir.

9 THE COURT: Mr. Ford?

10 THE DEFENDANT FORD: Yes, sir.

11 THE COURT: And Mr. Stroud?

12 THE DEFENDANT STROUD: Yes, sir.

13 THE COURT: Also at trial you have the right to
14 testify or not to testify. If you chose not to testify, there
15 could be no inference or suggestion of guilt drawn from that
16 fact and the jury could not consider that. Mr. Jeter, do you
17 understand that?

18 THE DEFENDANT JETER: Yes, sir.

19 THE COURT: Ms. Debra Gray, do you understand that?

20 THE DEFENDANT D. GRAY: Yes, sir.

21 THE COURT: Mr. Smith?

22 THE DEFENDANT SMITH: Yes, sir.

23 THE COURT: Mr. Gist?

24 THE DEFENDANT GIST: Yes, sir.

25 THE COURT: Mr. Cheek?

1 THE DEFENDANT CHEEK: Yes, sir.

2 THE COURT: Ms. Shakitta Gray?

3 THE DEFENDANT S. GRAY: Yes, sir.

4 THE COURT: Mr. Duckett?

5 THE DEFENDANT DUCKETT: Yes, sir.

6 THE COURT: Ms. Kimberly Gray?

7 THE DEFENDANT K. GRAY: Yes, sir.

8 THE COURT: Mr. Meadows?

9 THE DEFENDANT MEADOWS: Yes, sir.

10 THE COURT: Mr. Ford?

11 THE DEFENDANT FORD: Yes, sir.

12 THE COURT: And Mr. Stroud?

13 THE DEFENDANT STROUD: Yes, sir.

14 THE COURT: You also would have the right to require
15 witnesses to come and testify in your own behalf and use a
16 subpoena to do that. Do you understand that right, Mr. Jeter?
17 Mr. Jeter, do you understand that right?

18 THE DEFENDANT JETER: Yes, sir.

19 THE COURT: And Ms. Debra Gray, do you understand
20 that?

21 THE DEFENDANT D. GRAY: Yes, sir.

22 THE COURT: Mr. Smith, do you understand that?

23 THE DEFENDANT SMITH: Yes, sir.

24 THE COURT: Mr. Gist?

25 THE DEFENDANT GIST: Yes, sir.

1 THE COURT: Mr. Cheek?

2 THE DEFENDANT CHEEK: Yes, sir.

3 THE COURT: Ms. Shakitta Gray?

4 THE DEFENDANT S. GRAY: Yes, sir.

5 THE COURT: Mr. Duckett?

6 THE DEFENDANT DUCKETT: Yes, sir.

7 THE COURT: Ms. Kimberly Gray?

8 THE DEFENDANT K. GRAY: Yes, sir.

9 THE COURT: Mr. Meadows?.

10 THE DEFENDANT MEADOWS: Yes, sir.

11 THE COURT: Mr. Ford?

12 THE DEFENDANT FORD: Yes, sir.

13 THE COURT: And Mr. Stroud?

14 THE DEFENDANT STROUD: Yes, sir.

15 THE COURT: Does anybody have any question about the
16 rights that I've just outlined? I'll take silence as no
17 questions about it.

18 (No response.)

19 THE COURT: All right. Do each of you understand
20 that by your pleading guilty and my acceptance of the plea you'd
21 be giving up your right to a jury trial, all of the other rights
22 that I have outlined for you and that I would enter a judgment
23 of guilty and sentence you on the basis of your guilty plea
24 after considering a presentence report? Mr. Jeter, do you
25 understand that?

1 THE DEFENDANT JETER: Yes, sir.

2 THE COURT: Ms. Gray, Debra Gray, do you understand
3 that?

4 THE DEFENDANT D. GRAY: Yes, sir.

5 THE COURT: Mr. Smith?

6 THE DEFENDANT SMITH: Yes, sir.

7 THE COURT: Mr. Gist?

8 THE DEFENDANT GIST: Yes, sir.

9 THE COURT: Mr. Cheek?

10 THE DEFENDANT CHEEK: Yes, sir.

11 THE COURT: Ms. Shakitta Gray?

12 THE DEFENDANT S. GRAY: Yes, sir.

13 THE COURT: Mr. Duckett?

14 THE DEFENDANT DUCKETT: Yes, sir.

15 THE COURT: Ms. Kimberly Gray?

16 THE DEFENDANT K. GRAY: Yes, sir.

17 THE COURT: Mr. Meadows?

18 THE DEFENDANT MEADOWS: Yes, sir.

19 THE COURT: Mr. Ford?

20 THE DEFENDANT FORD: Yes, sir.

21 THE COURT: And Mr. Stroud?

22 THE DEFENDANT STROUD: Yes, sir.

23 THE COURT: Do you also understand that you have a
24 right to remain silent and a right against self-incrimination?
25 That simply means nobody can compel you to testify. During the

1 course of the trial, however, if you're going to plead guilty
2 you have to give up that right in order to tell me what you did
3 wrong. Mr. Jeter, do you understand you have that
4 right --

5 THE DEFENDANT JETER: Yes, sir.

6 THE COURT: -- to remain silent? Do you want to
7 exercise that right or give it up?

8 THE DEFENDANT JETER: What you mean?

9 (Mr. Jeter conferred with his attorney off the
10 record.)

11 THE DEFENDANT JETER: Yes, sir.

12 THE COURT: You want to give it up is what you're
13 telling me?

14 THE DEFENDANT JETER: Yeah. Yes, sir.

15 THE COURT: All right. Ms. Gray, do you understand
16 you have those two rights?

17 THE DEFENDANT D. GRAY: Yes, sir.

18 THE COURT: Do you want to exercise them or give it
19 up?

20 THE DEFENDANT D. GRAY: Give it up.

21 THE COURT: Ms. -- Mr. Smith, do you understand you
22 have those two rights?

23 THE DEFENDANT SMITH: Yes, sir.

24 THE COURT: Do you want to exercise those rights or
25 give them up?

1 THE DEFENDANT SMITH: Give it up.

2 THE COURT: Mr. Gist, do you understand you have
3 those rights?

4 THE DEFENDANT GIST: Yes.

5 THE COURT: Do you want to exercise those rights or
6 give them up?

7 THE DEFENDANT GIST: Give them up.

8 THE COURT: Mr. Cheek, do you understand you have
9 those rights?

10 THE DEFENDANT CHEEK: Yes, sir.

11 THE COURT: Do you want to exercise them or give
12 them up?

13 THE DEFENDANT CHEEK: Give them up.

14 THE COURT: Ms. Shakitta Gray, do you understand you
15 have those rights?

16 THE DEFENDANT S. GRAY: Yes, sir.

17 THE COURT: Do you want to exercise or give them
18 up?

19 THE DEFENDANT K. GRAY: Give them up.

20 THE COURT: Mr. Duckett, do you understand you have
21 those rights?

22 THE DEFENDANT DUCKETT: Yes, sir.

23 THE COURT: You want to exercise them or give them
24 up?

25 THE DEFENDANT DUCKETT: Give them up.

1 THE COURT: Ms. Kimberly Gray, do you understand you
2 have -- since you had some question I see -- the two rights
3 we're talking --

4 MS. HALL: She didn't understand you used the phrase
5 "exercise".

6 THE COURT: Okay. Exercise. Okay. Or give it up.
7 Do you understand you have those two rights?

8 THE DEFENDANT K. GRAY: Yes, sir.

9 THE COURT: Do you want to exercise that right or
10 those rights or give them up??

11 THE DEFENDANT K. GRAY: Give them up.

12 THE COURT: Mr. Meadows, do you understand you have
13 those rights?

14 THE DEFENDANT MEADOWS: Yes, sir.

15 THE COURT: Do you want to exercise them or give
16 them up?

17 THE DEFENDANT MEADOWS: Give it up.

18 THE COURT: And Mr. Ford, do you understand you have
19 those rights?

20 THE DEFENDANT FORD: Yes, sir.

21 THE COURT: Do you want to exercise them or give
22 them up?

23 THE DEFENDANT FORD: Give them up.

24 THE COURT: Mr. Stroud, do you understand you have
25 those rights?

1 THE DEFENDANT STROUD: Waive it.

2 THE COURT: You want to waive them. All right.

3 Now, some of you have indicated at a pretrial
4 conference that there was some issue about motion to suppress
5 certain evidence in the case. Do each of you understand that by
6 pleading guilty today you'd be waiving your right to challenge
7 the government's evidence and there will be no suppression
8 motion heard? And Mr. Jeter, do you understand that?

9 THE DEFENDANT JETER: Yes, sir.

10 THE COURT: Ms. Debra Gray, do you understand that?

11 THE DEFENDANT D. GRAY: Yes, sir.

12 THE COURT: Mr. Smith, do you understand that?

13 THE DEFENDANT SMITH: Yes, sir.

14 THE COURT: Mr. Gist, do you understand that?

15 THE DEFENDANT GIST: Yes, sir.

16 THE COURT: Mr. Cheek?

17 THE DEFENDANT CHEEK: Yes, sir.

18 THE COURT: Ms. Kim -- I mean Shakitta Gray?

19 THE DEFENDANT S. GRAY: Yes, sir.

20 THE COURT: Mr. Duckett?

21 THE DEFENDANT DUCKETT: Yes, sir.

22 THE COURT: Ms. Kimberly Gray?

23 THE DEFENDANT K. GRAY: Yes, sir.

24 THE COURT: Mr. Meadows?

25 THE DEFENDANT MEADOWS: Yes, sir.

1 THE COURT: Mr. Ford?

2 THE DEFENDANT FORD: Yes, sir.

3 THE COURT: And Mr. Stroud?

4 THE DEFENDANT STROUD: Yes, sir.

5 THE COURT: Anybody -- understanding that you're
6 giving up those rights, anybody wish to insist on having a
7 motion to suppress heard? Mr. Jeter?

8 THE DEFENDANT JETER: Yes, sir.

9 THE COURT: You want it heard?

10 THE DEFENDANT JETER: No, sir.

11 THE COURT: No. And Ms. Gray, do you understand --
12 do you want anything heard about motion to suppress?

13 THE DEFENDANT D. GRAY: No, sir.

14 THE COURT: Mr. Smith?

15 THE DEFENDANT SMITH: No, sir.

16 THE COURT: Mr. Gist?

17 THE DEFENDANT GIST: No, sir.

18 THE COURT: Mr. Cheek?

19 THE DEFENDANT CHEEK: No, sir.

20 THE COURT: Ms. Shakitta Gray?

21 THE DEFENDANT S. GRAY: No, sir.

22 THE COURT: Mr. Duckett?.

23 THE DEFENDANT DUCKETT: No, sir.

24 THE COURT: Mr. Gray -- Ms. Kimberly Gray?

25 THE DEFENDANT K. GRAY: No, sir.

1 THE COURT: Mr. Meadows?

2 THE DEFENDANT MEADOWS: No, sir.

3 THE COURT: Mr. Ford?

4 THE DEFENDANT FORD: No, sir.

5 THE COURT: And Mr. Stroud?

6 THE DEFENDANT STROUD: No, sir.

7 THE COURT: Do you understand that by pleading
8 guilty and each of these offenses are felonies, that if your
9 plea is accepted, you're deprived of valuable civil rights such
10 as the right to vote, the right to hold public office, the right
11 to serve on a jury and the right to possess a firearm? Do you
12 understand that by pleading guilty that you'd be giving up these
13 valuable rights? Mr. Jeter?

14 THE DEFENDANT JETER: Yes, sir.

15 THE COURT: Ms. Debra Gray?

16 THE DEFENDANT D. GRAY: Yes, sir.

17 THE COURT: Mr. Smith?

18 THE DEFENDANT SMITH: Yes, sir.

19 THE COURT: Mr. Gist?

20 THE DEFENDANT GIST: Yes, sir.

21 THE COURT: Mr. Cheek?

22 THE DEFENDANT CHEEK: Yes, sir.

23 THE COURT: Ms. Shakitta Gray?

24 THE DEFENDANT S. GRAY: Yes, sir.

25 THE COURT: Mr. Duckett?

1 THE DEFENDANT DUCKETT: Yes, sir.

2 THE COURT: Ms. Kimberly Gray?

3 THE DEFENDANT K. GRAY: Yes, sir.

4 THE COURT: Mr. Meadows?

5 THE DEFENDANT MEADOWS: Yes, sir.

6 THE COURT: Mr. Ford?

7 THE DEFENDANT FORD: Yes, sir.

8 THE COURT: And Mr. Stroud?

9 THE DEFENDANT STROUD: Yes, sir.

10 THE COURT: Are there any forfeitures in these
11 case?

12 MS. HOWARD: Yes, sir. There's forfeiture language
13 in the plea agreement.

14 THE COURT: Okay. Do each of you understand if you
15 plead guilty and I accept the plea, I can order you to forfeit
16 certain property to the government? Mr. Jeter, do you
17 understand that?

18 (Mr. Jeter conferred with his attorney off the
19 record.)

20 THE DEFENDANT JETER: Yes, sir.

21 THE COURT: Ms. Debra Gray?

22 THE DEFENDANT D. GRAY: Yes, sir.

23 THE COURT: Mr. Smith?

24 THE DEFENDANT SMITH: Yes, sir.

25 THE COURT: Mr. Gist?

1 THE DEFENDANT GIST: Yes, sir.

2 THE COURT: All right. Mr. Cheek?

3 THE DEFENDANT CHEEK: No, sir.

4 THE COURT: Do you understand that?

5 THE DEFENDANT CHEEK: Yes, sir.

6 THE COURT: Okay. Ms. Shakitta Gray, do you
7 understand?

8 THE DEFENDANT S. GRAY: Yes, sir.

9 THE COURT: Mr. Duckett?

10 THE DEFENDANT DUCKETT: I didn't understand.

11 THE COURT: I don't know that there's any property
12 out there for you to forfeit, but under the plea agreement or --
13 the government would have a right to seek a forfeiture of
14 property. I don't know whether it's applicable in your case.
15 Just want make sure you understand there is a right of forfeit
16 in a drug case.

17 THE DEFENDANT DUCKETT: Yes, sir.

18 THE COURT: Okay. Mr. -- Ms. Kimberly Gray?

19 THE DEFENDANT K. GRAY: Yes, sir.

20 THE COURT: Mr. Meadows?

21 THE DEFENDANT MEADOWS: Yes, sir.

22 THE COURT: Mr. Ford?

23 THE DEFENDANT FORD: Yes, sir.

24 THE COURT: Mr. Stroud?

25 THE DEFENDANT STROUD: Yes, sir.

1 THE COURT: Having discussed with you your rights do
2 each of you wish to continue with your guilty pleas at this
3 time? Mr. Jeter?

4 THE DEFENDANT JETER: Yes, sir.

5 THE COURT: Ms. Gray?

6 THE DEFENDANT D. GRAY: Yes, sir.

7 THE COURT: Mr. Smith?

8 THE DEFENDANT SMITH: Yes, sir.

9 THE COURT: Mr. Gist?

10 THE DEFENDANT GIST: Yes, sir.

11 THE COURT: Mr. Cheek?

12 THE DEFENDANT CHEEK: Yes, sir.

13 THE COURT: Ms. Shakitta Gray?

14 THE DEFENDANT S. GRAY: Yes, sir.

15 THE COURT: Mr. Duckett?

16 THE DEFENDANT DUCKETT: Yes, sir.

17 THE COURT: Kimberly Gray?

18 THE DEFENDANT K. GRAY: Yes, sir.

19 THE COURT: Mr. Meadows?

20 THE DEFENDANT MEADOWS: Yes, sir.

21 THE COURT: Mr. Ford?

22 THE DEFENDANT FORD: Yes, sir.

23 THE COURT: And Mr. Stroud?

24 THE DEFENDANT STROUD: Yes, sir.

25 THE COURT: Mr. Jeter's pleading on an information?

1 MS. HOWARD: No, sir. They're all -- each of the
2 defendants before you are pleading guilty to the lesser included
3 offense in count one of conspiracy to possess with intent to
4 distribute five grams or more of cocaine base. So they're all
5 pleading guilty to the same thing. Now, four of the people have
6 different penalties based upon their criminal history, but
7 everybody is pleading guilty to the same thing.

8 THE COURT: All right. Have each of you received a
9 copy of the indictment and had an opportunity to discuss the
10 allegations contained in the indictment with your attorney? Mr.
11 Jeter?

12 THE DEFENDANT JETER: Yes, sir.

13 THE COURT: Ms. Debra Gray?

14 THE DEFENDANT D. GRAY: Yes, sir.

15 THE COURT: Mr. Smith?

16 THE DEFENDANT SMITH: Yes, sir.

17 THE COURT: Mr. Gist?

18 THE DEFENDANT GIST: Yes, sir.

19 THE COURT: Mr. Cheek?

20 THE DEFENDANT CHEEK: Yes, sir.

21 THE COURT: Ms. Shakitta Gray?

22 THE DEFENDANT S. GRAY: Yes, sir.

23 THE COURT: Mr. Duckett?

24 THE DEFENDANT DUCKETT: Yes, sir.

25 THE COURT: Ms. Kimberly Gray?

1 THE DEFENDANT K. GRAY: Yes, sir.

2 THE COURT: Mr. Meadows?

3 THE DEFENDANT MEADOWS: Yes, sir.

4 THE COURT: Mr. Ford?

5 THE DEFENDANT FORD: Yes, sir.

6 THE COURT: And Mr. Stroud?

7 THE DEFENDANT STROUD: Yes, sir.

8 THE COURT: All right.

9 MR. VIETH: Your Honor, excuse me. Did you ask do
10 we have a copy with us?

11 THE COURT: No. No. Just that you have had it.

12 MR. VIETH: Yes, sir.

13 THE COURT: And gone over it with your client and
14 attorney.

15 MR. VIETH: That's correct.

16 THE COURT: All right. The gist of the allegation
17 is that of a conspiracy. The government would have to prove two
18 -- two elements beyond a reasonable doubt before you could be
19 convicted and in order to enter a plea I need to know that you
20 understand what the two elements are and that you believe that
21 the government could prove the two elements. So the question is
22 would be to each of you do you understand the two elements and
23 do you believe the government could prove them.

24 The first that the government would have to prove is
25 that the conspiracy that's described in the indictment that you

1 have was willfully formed and was existing at or about -- about
2 the alleged time; and secondly, that you willfully became a
3 member of the conspiracy. And the question again is do you
4 understand those elements and do you believe the government can
5 prove those beyond a reasonable doubt? Mr. Jeter?

6 THE DEFENDANT JETER: Yes, sir.

7 THE COURT: Ms. Debra Gray?

8 THE DEFENDANT D. GRAY: Yes, sir.

9 THE COURT: Mr. Smith?

10 THE DEFENDANT SMITH: Yes, sir.

11 THE COURT: Mr. Gist?

12 THE DEFENDANT GIST: Yes, sir.

13 THE COURT: Mr. Cheek?

14 THE DEFENDANT CHEEK: Yes, sir.

15 THE COURT: Ms. Shakitta Gray?

16 THE DEFENDANT S. GRAY: Yes, sir.

17 THE COURT: Mr. Duckett?.

18 THE DEFENDANT DUCKETT: Yes, sir.

19 THE COURT: Mr. Kimberly Gray?

20 THE DEFENDANT K. GRAY: Yes, sir.

21 THE COURT: Mr. Meadows?

22 THE DEFENDANT MEADOWS: I'd like you repeat that
23 question again.

24 THE COURT: All right. The question is the
25 government has to prove two things in order to establish your

1 guilt beyond a reasonable doubt. They have to prove, one, that
2 the conspiracy that was described in the indictment that you and
3 your attorney have gone over was willfully formed and was
4 existing at or about the alleged time the indictment says so;
5 and secondly, that you willfully became a member of the
6 conspiracy. Do you believe -- do you understand the elements
7 and do you believe the government can prove those two things?

8 (Mr. Meadows conferred with his attorney off the
9 record.)

10 THE DEFENDANT MEADOWS: Yes, sir.

11 THE COURT: All right. And Mr. Ford?

12 THE DEFENDANT FORD: Yes, sir.

13 THE COURT: And Mr. Stroud?

14 THE DEFENDANT STROUD: Yes, sir.

15 THE COURT: All right. Now, Mr. Jeter, the penalty
16 in your case as to count two, maximum is life, mandatory minimum
17 is ten years, fine is four million dollars, supervised release
18 at least eight years and a special assessment of a hundred
19 dollars. Do you understand that's the penalty?

20 THE DEFENDANT JETER: Yes, sir.

21 THE COURT: Ms. Debra Gray, yours is maximum penalty
22 is forty years, no probation, no parole, mandatory minimum of
23 five years, fine two million dollars, supervised release at
24 least four years and not more than six years and a special
25 assessment of a hundred dollars. Do you understand that's the

1 penalty?

2 THE DEFENDANT D. GRAY: Yes, sir.

3 THE COURT: Mr. Derrick Smith, the penalty in your
4 case is life, no probation, no parole is the max, mandatory
5 minimum is ten years, fine is four million dollars, supervised
6 release at lease eight years and a special assessment of a
7 hundred dollars. Do you understand that's the penalty?

8 THE DEFENDANT SMITH: Yes, sir.

9 THE COURT: Mr. Gist, your maximum penalty in your
10 case is life, no probation, no parole, mandatory minimum ten
11 years, fine four million dollars, supervised release eight
12 years, special assessment of a hundred dollars. Do you
13 understand that?

14 THE DEFENDANT GIST: (Nods head affirmatively.)

15 THE COURT: Mr. Cheek?

16 THE DEFENDANT CHEEK: Yes, sir.

17 THE DEFENDANT: Do you understand the maximum
18 penalty you face is forty years imprisonment, no probation, no
19 parole, mandatory minimum five years, fine two million dollars,
20 supervised release at least four years and not more than six
21 years, a hundred dollar special assessment?

22 THE DEFENDANT CHEEK: Yes, sir.

23 THE COURT: Mr. Shakitta Gray, do you understand
24 that the maximum penalty you're facing is forty years
25 imprisonment, no probation, no parole, mandatory minimum five

1 years, two million dollar fine, at least four but not more than
2 six years supervised release, hundred dollar special
3 assessment?

4 THE DEFENDANT S. GRAY: Yes, sir.

5 THE COURT: Mr. Duckett, do you understand that the
6 maximum penalty you face is a maximum of life imprisonment, no
7 probation, no parole, mandatory minimum ten years, fine of four
8 million dollars, supervised release of at least eight years and
9 special assessment of a hundred dollars?

10 THE DEFENDANT DUCKETT: Yes, sir.

11 THE COURT: And Ms. Kimberly Gray, do you understand
12 the maximum penalty you face is forty years imprisonment, no
13 probation, no parole, mandatory minimum of five years, a fine of
14 two million dollars, supervised release of at least four years
15 but not more than six and a hundred dollar special assessment?
16 Do you understand that?

17 THE DEFENDANT K. GRAY: Yes, sir.

18 THE COURT: Mr. Meadows, do you understand that your
19 penalty is the maximum is life imprisonment, no parole, no
20 probation, a mandatory minimum of ten years, a fine of four
21 million dollars, supervised release of at least eight years and
22 a hundred dollar special assessment?

23 THE DEFENDANT MEADOWS: Yes, sir.

24 THE COURT: Mr. Ford, do you understand that the
25 maximum penalty you face is forty years imprisonment, no

1 probation, no parole, mandatory minimum of five years, a fine of
2 two million dollars, supervised release at least four years but
3 not more than six years and a hundred dollars special
4 assessment?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Mr. Stroud, do you understand the
7 maximum penalty you're facing is forty years, no probation, no
8 parole, mandatory minimum five years, fine of two million
9 dollars, special -- supervised release of at least four years
10 but not more than six and a special assessment of a hundred
11 dollars?

12 THE DEFENDANT STROUD: Yes, sir.

13 THE COURT: Any defendant have any question about
14 the penalty, including the mandatory minimums that they're
15 facing?

16 (No response.)

17 THE COURT: I'll take silence as there's no
18 questions except for Mr. MacKinnon.

19 MR. MACKINNON: Yes, your Honor, I did have a
20 question. In regard to Willie Duckett I understood five to
21 twenty -- no questions, your Honor.

22 THE COURT: All right. With regard to the
23 allegations against you, Mr. Jeter, do you understand the
24 charge?

25 THE DEFENDANT JETER: Yes, sir.

1 THE COURT: Tell me what you did in your own words.

2 THE DEFENDANT JETER: Sold a little dope.

3 THE COURT: Okay.

4 THE DEFENDANT JETER: That's about it.

5 THE COURT: With two or more people involved?

6 THE DEFENDANT JETER: Yes, sir.

7 THE COURT: Ms. Gray, tell me what you did.

8 THE DEFENDANT D. GRAY: I sold some dope.

9 THE COURT: With two or more people involved?

10 THE DEFENDANT D. GRAY: Yes, sir.

11 THE COURT: Had an agreement to do that?

12 THE DEFENDANT D. GRAY: Yes, sir.

13 THE COURT: Mr. Smith, tell me what you did.

14 THE DEFENDANT SMITH: Sold some dope.

15 THE COURT: With two or more people?

16 THE DEFENDANT SMITH: Yes, sir.

17 THE COURT: Was an agreement to do that?

18 THE DEFENDANT SMITH: Yes, sir.

19 THE COURT: Mr. Derrick Smith, tell me what you did.

20 THE DEFENDANT SMITH: That's him.

21 THE COURT: Same as he did?

22 MR. BOGGS: No.

23 THE COURT: I'm sorry. I'm sorry. Mr. Gist. I'm
24 getting you confused. Tell me what you did.

25 THE DEFENDANT GIST: I sold drugs.

1 THE COURT: And with two or more people involved?

2 THE DEFENDANT GIST: Yes, sir.

3 THE COURT: And by agreement?

4 THE DEFENDANT GIST: Yes, sir.

5 THE COURT: Mr. Cheek, what did you do?

6 THE DEFENDANT CHEEK: I sold drugs.

7 THE COURT: With two or more people involved?

8 THE DEFENDANT CHEEK: Yes, sir.

9 THE COURT: And by agreement?

10 THE DEFENDANT CHEEK: Huh?

11 THE COURT: By an agreement between the people.

12 THE DEFENDANT CHEEK: Yes, sir.

13 THE COURT: Ms. Shakitta Gray, what did you do?

14 THE DEFENDANT S. GRAY: I entered into conspiracy
15 and sold crack.

16 THE COURT: Okay. And, Mr. Duckett, what did you
17 do?

18 THE DEFENDANT DUCKETT: I sold some drugs.

19 THE COURT: And did you do it with two or more
20 people by agreement?

21 THE DEFENDANT DUCKETT: Yes, sir.

22 THE COURT: Ms. Kimberly Gray?

23 THE DEFENDANT K. GRAY: I made a big mistake and
24 sold some drugs.

25 THE COURT: And with two or more people involved?

1 THE DEFENDANT K. GRAY: Yes, sir.

2 THE COURT: And by agreement? By agreement amongst
3 each other?

4 THE DEFENDANT K. GRAY: Yes, sir.

5 THE COURT: Mr. Meadows, what did you do?

6 THE DEFENDANT MEADOWS: Sold some drugs.

7 THE COURT: And with two or more people involved?

8 THE DEFENDANT MEADOWS: Yes, sir.

9 THE COURT: And by agreement between you?

10 THE DEFENDANT MEADOWS: Yes, sir.

11 THE COURT: Mr. Ford, what did you do?

12 THE DEFENDANT FORD: I sold drugs.

13 THE COURT: And two or more people involved?

14 THE DEFENDANT FORD: Yes, sir.

15 THE COURT: And by an agreement between you?

16 THE DEFENDANT FORD: Yes, sir.

17 THE COURT: Mr. Stroud, what did you do?

18 THE DEFENDANT STROUD: I picked a bad way --

19 COURT REPORTER: I'm sorry?

20 THE COURT: You need to speak a little louder.

21 THE DEFENDANT: I picked a bad way to provide for my
22 family and sold some drugs.

23 THE COURT: All right. With two or more people?

24 THE DEFENDANT STROUD: Yes, sir.

25 THE COURT: And by an agreement amongst you?

1 THE DEFENDANT STROUD: Yes, sir.

2 THE COURT: All right. I find that each defendant
3 fully comprehends and understands the nature of the charges --
4 charge against him or her and generally what elements the
5 government would have to prove if a trial is held.

6 Do each of you understand that under the Sentencing
7 Reform Act of nineteen eighty-four the United States Sentencing
8 Commission has issued guidelines for judges to follow in
9 determining a sentence in a criminal case? Mr. Jeter, do you
10 understand that?

11 THE DEFENDANT JETER: Yes, sir.

12 THE COURT: And have you talked with your attorney
13 about that?

14 THE DEFENDANT JETER: Yes, sir.

15 THE COURT: Ms. Debra Gray, do you understand that?

16 THE DEFENDANT D. GRAY: Yes, sir.

17 THE COURT: And have you talked with your attorney
18 about that?

19 THE DEFENDANT D. GRAY: Yes, sir.

20 THE COURT: Mr. Smith, do you understand that?

21 THE DEFENDANT SMITH: Yes, sir.

22 THE COURT: And have you talked with your attorney
23 about that? I'm sorry. Mr. Long?

24 MR. LONG: Judge, my client -- and I'm going back a
25 little bit. We just received this enhancement and it's in the

1 plea agreement about the enhancement, but until now I hadn't
2 gone over it, but I had gone over the sentence range which
3 reflected the same figure, the ten years with him. And I want
4 to make to sure that he understands that the second offense is
5 what this is about.

6 THE DEFENDANT SMITH: Yes, sir.

7 THE COURT: Do you understand that, Mr. Smith?

8 THE DEFENDANT SMITH: Yes, sir.

9 THE COURT: Okay. Mr. Gist, do you understand about
10 the sentencing guidelines and --

11 THE DEFENDANT GIST: Yes, sir.

12 THE COURT: -- have you talked with your attorney
13 about that?

14 THE DEFENDANT GIST: (Nods head affirmatively.)

15 THE COURT: Mr. Cheek?

16 THE DEFENDANT CHEEK: Yes, sir.

17 THE COURT: Ms. Shakitta Gray?

18 THE DEFENDANT S. GRAY: Yes, sir.

19 THE COURT: Mr. Duckett?

20 THE DEFENDANT DUCKETT: Yes, sir.

21 THE COURT: Ms. Kimberly Gray?

22 THE DEFENDANT K. GRAY: Yes, sir.

23 MR. MACKINNON: Your Honor, also if might interrupt,
24 your Honor, I just received the information on the enhancement
25 on the sentence and I had not discussed that with my client,

1 although it does not change the sentence or the guideline range
2 that we had discussed previously.

3 THE COURT: Okay. In other words, you talked with
4 him about the ten year mandatory?

5 MR. MACKINNON: Yes, sir, your Honor.

6 THE COURT: All right. Mr. -- Ms. Kimberly Gray?

7 THE DEFENDANT K. GRAY: Yes, sir.

8 THE COURT: And Mr. Meadows?

9 THE DEFENDANT MEADOWS: Yes, sir.

10 THE COURT: Mr. Ford?

11 THE DEFENDANT FORD: Yes, sir.

12 THE COURT: Mr. Stroud?

13 THE DEFENDANT STROUD: Yes, sir.

14 THE COURT: Do each of -- do each of you understand
15 that the court will not be able to determine the guideline
16 sentence for a your case until after a presentence report has
17 been completed and you and the government have had an
18 opportunity to challenge the reported facts and the application
19 of the guidelines recommended by the probation office? Mr.
20 Jeter, do you understand that?

21 THE DEFENDANT JETER: Yes, sir.

22 THE COURT: Ms. Gray?

23 THE DEFENDANT D. GRAY: Yes, sir.

24 THE COURT: Mr. Smith?

25 THE DEFENDANT SMITH: Yes, sir.

1 THE COURT: Mr. Gist, do you understand that?

2 THE DEFENDANT GIST: Yes.

3 THE COURT: Mr. Cheek?

4 THE DEFENDANT CHEEK: Yes, sir.

5 THE COURT: Ms. Shakitta Gray?

6 THE DEFENDANT S. GRAY: Yes, sir.

7 THE COURT: Mr. Duckett?

8 THE DEFENDANT DUCKETT: Yes, sir.

9 THE COURT: Ms. Kimberly Gray?

10 THE DEFENDANT K. GRAY: Yes, sir.

11 THE COURT: Mr. Meadows?

12 THE DEFENDANT MEADOWS: Yes, sir.

13 THE COURT: Mr. Ford?

14 THE DEFENDANT FORD: Yes, sir.

15 THE COURT: And Mr. Stroud?

16 THE DEFENDANT STROUD: Yes, sir.

17 THE COURT: Do each of you understand that the

18 sentence imposed may be different from any estimate your

19 attorney may have given to you? Mr. Jeter?

20 THE DEFENDANT JETER: Yes, sir.

21 THE COURT: Ms. Gray?

22 THE DEFENDANT D. GRAY: Yes, sir.

23 THE COURT: Mr. Smith?

24 THE DEFENDANT SMITH: Yes, sir.

25 THE COURT: Mr. Gist?

1 THE DEFENDANT GIST: Yes, sir.

2 THE COURT: Mr. Cheek?

3 THE DEFENDANT CHEEK: Yes, sir.

4 THE COURT: Ms. Shakitta Gray?

5 THE DEFENDANT S. GRAY: Yes, sir.

6 THE COURT: Mr. Duckett?

7 THE DEFENDANT DUCKETT: Yes, sir.

8 THE COURT: Ms. Kimberly Gray?

9 THE DEFENDANT K. GRAY: Yes, sir.

10 THE COURT: Mr. Meadows?

11 THE DEFENDANT MEADOWS: Yes, sir.

12 THE COURT: Mr. Ford?

13 THE DEFENDANT FORD: Yes, sir.

14 THE COURT: Mr. Stroud?

15 THE DEFENDANT STROUD: Yes, sir.

16 THE COURT: Do each of you understand after your
17 guideline range has been determined that I have the authority in
18 some circumstances to depart from the guidelines and impose a
19 sentence that is more severe or less severe than what the
20 sentencing guidelines call for? Mr. Jeter, do you understand
21 that?

22 THE DEFENDANT JETER: Yes, sir.

23 THE COURT: Ms. Gray, do you understand that?

24 THE DEFENDANT D. GRAY: Yes, sir.

25 THE COURT: Mr. Smith?

1 THE DEFENDANT SMITH: Yes, sir.

2 THE COURT: Mr. Gist?

3 THE DEFENDANT GIST: Yes, sir.

4 THE COURT: Mr. Cheek?

5 THE DEFENDANT CHEEK: Yes, sir.

6 THE COURT: Ms. Shakitta Gray?

7 THE DEFENDANT S. GRAY: Yes, sir.

8 THE COURT: Mr. Duckett?

9 THE DEFENDANT DUCKETT: Yes, sir.

10 THE COURT: Mr. Kimberly Gray?

11 THE DEFENDANT K. GRAY: Yes, sir.

12 THE COURT: Mr. Meadows?

13 THE DEFENDANT MEADOWS: Yes, sir.

14 THE COURT: Mr. Ford?

15 THE DEFENDANT FORD: Yes, sir.

16 THE COURT: And Mr. Stroud?

17 THE DEFENDANT STROUD: Yes, sir.

18 THE COURT: Do each of you understand that in some
19 circumstances you and the government have the right to appeal
20 any sentence that I impose? Mr. Jeter?

21 THE DEFENDANT JETER: Yes, sir.

22 THE COURT: Mr. -- Ms. Debra Gray?

23 THE DEFENDANT D. GRAY: Yes, sir.

24 THE COURT: Mr. Smith?

25 THE DEFENDANT SMITH: Yes, sir.

1 THE COURT: Mr. Gist?

2 THE DEFENDANT GIST: Yes, sir.

3 THE COURT: Mr. Cheek?

4 THE DEFENDANT CHEEK: Yes, sir.

5 THE COURT: Ms. Shakitta Gray?

6 THE DEFENDANT S. GRAY: Yes, sir.

7 THE COURT: Mr. Duckett?

8 THE DEFENDANT DUCKETT: Yes, sir.

9 THE COURT: Mr. -- Ms. Kimberly Gray?

10 THE DEFENDANT K. GRAY: Yes, sir.

11 THE COURT: Mr. Meadows?

12 THE DEFENDANT MEADOWS: Yes, sir.

13 THE COURT: Mr. Ford?

14 THE DEFENDANT FORD: Yes, sir.

15 THE COURT: And Mr. Stroud?

16 THE DEFENDANT STROUD: Yes, sir.

17 THE COURT: Do any of the plea agreements contain
18 anything about a particular sentence or just cooperate?

19 MS. HOWARD: No, sir. There are some stipulations
20 as to drug amounts, but not as to a particular sentence.

21 THE COURT: All right. And am I going to be bound
22 by that based on the way you --

23 MS. HOWARD: No, sir.

24 THE COURT: -- since it's an element?

25 MS. HOWARD: No, sir. Bound by the statute for five

1 grams or more, but not to the stipulation.

2 THE COURT: All right. Do each of you understand
3 that if I do not accept the sentencing recommendation in your
4 plea agreement, you will still be bound by your plea and have no
5 right to the withdraw it? Mr. Jeter, do you understand?

6 THE DEFENDANT JETER: Yes, sir.

7 THE COURT: Ms. Gray?

8 THE DEFENDANT D. GRAY: Yes, sir.

9 THE COURT: Mr. Smith?

10 THE DEFENDANT SMITH: Yes, sir.

11 THE COURT: Mr. Gist?

12 THE DEFENDANT GIST: Yes, sir.

13 THE COURT: Mr. Cheek?

14 THE DEFENDANT CHEEK: Yes, sir.

15 THE COURT: Ms. Shakitta Gray.

16 THE DEFENDANT S. GRAY: Yes, sir.

17 THE COURT: Mr. Duckett?

18 THE DEFENDANT DUCKETT: Yes, sir.

19 THE COURT: Ms. Kimberly Gray?

20 THE DEFENDANT K. GRAY: Yes, sir.

21 THE COURT: Ms. -- Mr. Meadows?

22 THE DEFENDANT MEADOWS: Yes, sir.

23 THE COURT: Mr. Ford?

24 THE DEFENDANT FORD: Yes, sir.

25 THE COURT: Mr. Stroud?

1 THE DEFENDANT STROUD: Yes, sir.

2 THE COURT: Do each of you understand that parole
3 has been abolished and that if you're sentenced in accordance
4 with your plea agreement you'll not be released on parole? Mr.
5 Jeter?

6 THE DEFENDANT JETER: Yes, sir.

7 THE COURT: Mr. -- Ms. Debra Gray?

8 THE DEFENDANT D. GRAY: Yes, sir.

9 THE COURT: Mr. Smith?

10 THE DEFENDANT SMITH: Yes, sir.

11 THE COURT: Mr. Gist?

12 THE DEFENDANT GIST: Yes, sir.

13 THE COURT: Mr. Cheek?

14 THE DEFENDANT CHEEK: Yes, sir.

15 THE COURT: Ms. Shakitta Gray?

16 THE DEFENDANT S. GRAY: Yes, sir.

17 THE COURT: Mr. Duckett?

18 THE DEFENDANT DUCKETT: Yes, sir.

19 THE COURT: Ms. Kimberly Gray?

20 THE DEFENDANT K. GRAY: Yes, sir.

21 THE COURT: Mr. Meadows?

22 THE DEFENDANT MEADOWS: Yes, sir.

23 THE COURT: Mr. Ford?

24 THE DEFENDANT FORD: Yes, sir.

25 THE COURT: Mr. Stroud?

1 THE DEFENDANT STROUD: Yes, sir.

2 THE COURT: Do each of you understand that the law
3 requires that upon your release from incarceration that you are
4 subject to a term of supervised release. That means that there
5 are rules that prescribe your behavior while under that release
6 and that if you violate any of the terms or conditions of the
7 supervised release you can be given additional prison time. Do
8 you understand that Mr. Jeter?

9 THE DEFENDANT JETER: Yes, sir.

10 THE COURT: Ms. Gray?

11 THE DEFENDANT D. GRAY: Yes, sir.

12 THE COURT: Mr. Smith?

13 THE DEFENDANT SMITH: Yes, sir.

14 THE COURT: Mr. Gist?

15 THE DEFENDANT GIST: Yes, sir.

16 THE COURT: Mr. Cheek?

17 THE DEFENDANT CHEEK: Yes, sir.

18 THE COURT: Mr. Shakitta Gray?

19 THE DEFENDANT S. GRAY: Yes, sir.

20 THE COURT: Mr. Duckett?

21 THE DEFENDANT DUCKETT: Yes, sir.

22 THE COURT: Ms. Kimberly Gray?

23 THE DEFENDANT K. GRAY: Yes, sir.

24 THE COURT: Mr. Meadows?

25 THE DEFENDANT MEADOWS: Yes, sir.

1 THE COURT: Mr. Ford?

2 THE DEFENDANT FORD: Yes, sir.

3 THE COURT: Mr. Stroud?

4 THE DEFENDANT STROUD: Yes, sir.

5 THE COURT: With regard to your guilty plea has
6 anyone threatened you or forced you in any way to get you to
7 plead guilty? And in other words are you pleading guilty of
8 your own free will because you are guilty? Mr. Jeter?

9 THE DEFENDANT JETER: Yes, sir.

10 THE COURT: Ms. Gray?

11 THE DEFENDANT D. GRAY: Yes, sir.

12 THE COURT: Mr. Smith?

13 THE DEFENDANT SMITH: Yes, sir.

14 THE COURT: Mr. Gist?

15 THE DEFENDANT GIST: Yes, sir.

16 THE COURT: Mr. Cheek?

17 THE DEFENDANT CHEEK: Yes, sir.

18 THE COURT: Mr. Gray -- Ms. Shakitta Gray?

19 THE DEFENDANT S. GRAY: Yes, sir.

20 THE COURT: Mr. Duckett?

21 THE DEFENDANT DUCKETT: Yes.

22 THE COURT: Ms. Kimberly Gray?

23 THE DEFENDANT K. GRAY: Yes, sir.

24 THE COURT: Mr. Meadows?

25 THE DEFENDANT MEADOWS: Yes, sir.

1 THE COURT: Mr. Ford?

2 THE DEFENDANT FORD: Yes, sir.

3 THE COURT: Mr. Stroud?

4 THE DEFENDANT STROUD: Yes, sir.

5 THE COURT: Has your willingness to plead guilty
6 resulted from prior discussions between the attorney for the
7 government and you and your attorney? Mr. Jeter?

8 THE DEFENDANT JETER: Yes, sir.

9 THE COURT: Ms. Gray?

10 THE DEFENDANT D. GRAY: Yes, sir.

11 THE COURT: Mr. Smith?

12 THE DEFENDANT SMITH: Yes, sir.

13 THE COURT: Mr. Gist?

14 THE DEFENDANT GIST: Yes, sir.

15 THE COURT: Mr. Cheek?

16 THE DEFENDANT CHEEK: Yes, sir.

17 THE COURT: Ms. Shakitta Gray?

18 THE DEFENDANT S. GRAY: Yes, sir.

19 THE COURT: Mr. Duckett?

20 THE DEFENDANT DUCKETT: Yes, sir.

21 THE COURT: Ms. Kimberly Gray?

22 THE DEFENDANT K. GRAY: Yes, sir.

23 THE COURT: Mr. Meadows?

24 THE DEFENDANT MEADOWS: Yes, sir.

25 THE COURT: Mr. Ford?

1 THE DEFENDANT FORD: Yes, sir.

2 THE COURT: Mr. Stroud?

3 THE DEFENDANT STROUD: Yes, sir.

4 THE COURT: Are there plea agreements with regard to
5 each defendant?

6 MS. HOWARD: Yes, sir, there are. Each person has a
7 written plea agreement.

8 THE COURT: All right.

9 MS. HOWARD: But I can -- they're basically the same
10 except for a few changes.

11 THE COURT: Okay. Give it to me then.

12 MS. HOWARD: Your Honor, as to all defendants they
13 all agree to plead guilty to the lesser included offense of
14 conspiracy to distribute five grams or more of cocaine base in
15 count one of the indictment.

16 They all agree to consent to the commencement of a
17 presentence investigation.

18 They all understand that a hundred dollar special
19 assessment fee will be imposed.

20 They all agree to be fully truthful and forthright
21 with the U.S. Attorney's Office and law enforcement agents in
22 the investigation and importation and distribution of controlled
23 substances and other unlawful activities.

24 All defendants agree to submit to a polygraph
25 examination if requested to do so by the government.

1 All defendants agree to voluntarily surrender and
2 not contest the forfeiture by the government of any and all
3 assets and property that are forfeitable pursuant to the laws of
4 the United States.

5 Your Honor, the government agrees and stipulates
6 that the quantity of cocaine base involved in Tehran Jeter's
7 case, Debra Gray, Derrick Gray [sic], Marcus Gist, Michael Odell
8 Cheek, Shakitta Gray, Willie Eugene Duckett, Kimberly Nicole
9 Gray and Willie Meadows, Lemonze Ford, is five to twenty grams
10 for purposes of calculating the defendant's sentence pursuant to
11 U.S. Commission guidelines.

12 The defendants understand that these stipulations
13 are not binding upon the probation officer or your Honor and
14 that they have no right to withdraw their plea should these
15 stipulations not be accepted.

16 As to Travis Stroud the government stipulates that
17 the amount of cocaine base attributable to him is twenty to
18 thirty-five grams of cocaine base for purposes of his guideline
19 range. Also that is not binding upon the probation office or
20 the court and he has no right to withdraw his plea should that
21 stipulation not be accepted.

22 Your Honor, all defendants agree that any
23 self-incriminating -- excuse me, the government agrees that any
24 self-incriminating information provided by these defendants
25 pursuant to the cooperation that's required under the terms of

1 this agreement will not be used against them except under
2 certain circumstances as outlined in the plea agreement.

3 Your Honor, all defendants, provided that each of
4 them cooperate pursuant to the provisions of this plea agreement
5 and that cooperation is deemed as providing substantial
6 assistance to the government, the government agrees to move your
7 Honor to depart downward from the guidelines for a reduction of
8 sentence pursuant to Rule 35(b) of the federal rules of criminal
9 procedure.

10 All of the defendants understanding -- understand
11 that the matter of sentencing is within the sole discretion of
12 your Honor.

13 All the defendants understand that the obligations
14 of the government within this plea agreement are contingent upon
15 their abiding by all federal and state laws and complying with
16 any terms and conditions of any bond executed in their cases.

17 Your Honor, all defendants understand that they have
18 a right to an appeal and contest the conviction and/or sentence,
19 however, they agree to waive those rights in a direct appeal or
20 post conviction action, including proceedings under 28 USC
21 Section 2255. This waiver does not apply to claims of
22 ineffective assistance of counsel or prosecutorial misconduct.

23 Your Honor, all the parties agree that these plea
24 agreements entered into contain the entire agreement of the
25 parties.

1 THE COURT: Mr. Jeter, is that your understanding of
2 the plea agreement?

3 THE DEFENDANT JETER: Yes, sir.

4 THE COURT: Including the amount of drugs?

5 THE DEFENDANT JETER: Yes, sir.

6 THE COURT: Ms. Gray, is that your understanding?

7 THE DEFENDANT D. GRAY: Yes, sir.

8 THE COURT: Including the amount?

9 THE DEFENDANT D. GRAY: Yes, sir.

10 THE COURT: Mr. Long?

11 MR. LONG: Yes, sir. Obviously -- and I don't doubt
12 that it was faxed or something, but as far as this enhancement,
13 I advised him as to the range that would -- sentencing range
14 that would embrace it, but his prior offense would fall within
15 the conspiracy period, and I don't think that we would be
16 prepared to give up the fact that it shouldn't be -- the legal
17 proposition that it shouldn't be counted as an enhancement
18 because it would be part of the conspiracy. Now, that would be
19 a legal point that -- and a factual point that I think would
20 relate to the presentence report and --

21 THE COURT: But, they're not asking you to give that
22 up.

23 MS. HOWARD: No, sir. That's a sentencing
24 objection.

25 THE COURT: That would be an objection to the

1 presentence report.

2 MR. LONG: Well, I think so, but I'm -- you know,
3 I'm caught a little bit. Just to make sure that I wanted to
4 make that statement because, in fact, those are the facts, that
5 it would fall within the conspiracy range.

6 THE COURT: I mean that's something you'll be
7 entitled to a hearing on that.

8 MR. LONG: I just wasn't prepared to listen --

9 THE COURT: Okay.

10 MR. LONG: -- to it and I wanted to make sure that
11 we were clear.

12 THE COURT: Do you understand the terms of the plea
13 agreement, sir?

14 THE DEFENDANT SMITH: Yes, sir.

15 THE COURT: Mr. Gist, do you understand it?

16 THE DEFENDANT GIST: Yes, sir.

17 THE COURT: Including the weights of the drugs?

18 THE DEFENDANT GIST: (Nods head affirmatively.)

19 THE COURT: Mr. Cheek, do you understand that?

20 THE DEFENDANT CHEEK: Yes, sir.

21 THE COURT: Including weights?

22 THE DEFENDANT CHEEK: Yes, sir.

23 THE COURT: Ms. Kimberly Gray, do you understand
24 that?

25 THE DEFENDANT K. GRAY: Yes, sir.

1 THE COURT: And including the weight?

2 THE DEFENDANT K. GRAY: Yes, sir.

3 MS. SALVINI: You said Kimberly instead of
4 Shakitta.

5 THE COURT: I'm sorry.

6 MS. SALVINI: She wasn't sure of whether to answer.

7 THE COURT: Shakitta. Yeah. I'm sorry.

8 THE COURT: Ms. -- Mr. Duckett, do you understand
9 that?

10 THE DEFENDANT DUCKETT: Would you mind saying --
11 reading that back over for me again please.

12 THE COURT: Say again?

13 THE DEFENDANT: Do you mind saying that back over
14 for me again please, sir.

15 THE COURT: Do you understand the plea agreement
16 that the United States Attorney just outlined for you? Is that
17 your understanding?

18 THE DEFENDANT DUCKETT: Yes, sir.

19 THE COURT: Including the weight stipulation?

20 THE DEFENDANT DUCKETT: Yes, sir.

21 COURT REPORTER: Judge, the other defendant answered
22 with her question. If you'd just straighten it out.

23 THE COURT: Okay. Back to Ms. Shakitta Gray, do you
24 understand the plea agreement?

25 THE DEFENDANT S. GRAY: Yes, sir.

1 THE COURT: Including the weights?

2 THE DEFENDANT S. GRAY: Yes, sir.

3 THE COURT: Okay. All right. Now, Ms. Kimberly
4 Gray, do you understand the plea agreement.

5 THE DEFENDANT K. GRAY: Yes, sir.

6 THE COURT: Including the weights?

7 THE DEFENDANT K. GRAY: Yes, sir.

8 THE COURT: Mr. Meadows, do you understand the plea
9 agreement?

10 THE DEFENDANT MEADOWS: Yes, sir.

11 THE COURT: Including the weight stipulation?

12 THE DEFENDANT MEADOWS: Yes, sir.

13 THE COURT: Mr. Ford, do you understand the plea
14 agreement?

15 THE DEFENDANT FORD: Yes, sir.

16 THE COURT: And including the weight stipulation?

17 THE DEFENDANT FORD: Yes, sir.

18 THE COURT: Mr. Stroud, yours was a little different
19 stipulation as to weight. Did you understand the plea
20 agreement?

21 THE DEFENDANT STROUD: Yes, sir.

22 THE COURT: And is that the plea agreement?

23 THE DEFENDANT STROUD: Yes, sir.

24 THE COURT: And including the weight stipulation?

25 THE DEFENDANT STROUD: Yes, sir.

1 THE COURT: Do you understand that I'm not bound by
2 the stipulation that you've entered into with the government
3 regarding the quantity of drugs involved in the offense, that at
4 sentencing I might determine that a larger quantity is involved
5 and if I do, you will not be able to withdraw your plea of
6 guilty? Do you understand that, Mr. Jeter?

7 THE DEFENDANT JETER: Yes, sir.

8 THE COURT: Ms. Debra Gray, do you understand?

9 THE DEFENDANT D. GRAY: Yes, sir.

10 THE COURT: Mr. Smith?

11 THE DEFENDANT SMITH: Yes, sir.

12 THE COURT: Mr. Gist?

13 THE DEFENDANT GIST: Yes, sir.

14 THE COURT: Mr. Cheek?

15 THE DEFENDANT CHEEK: Yes, sir.

16 THE COURT: Ms. Shakitta Gray?

17 THE DEFENDANT S. GRAY: Yes, sir.

18 THE COURT: Mr. Duckett?

19 (Mr. Duckett conferred with his attorney off the
20 record.)

21 MR. MACKINNON: Your Honor, he requests you repeat
22 the question again please.

23 THE COURT: All right. The question -- the question
24 to you is do you understand that I'm not bound by the
25 stipulation in the plea agreement as to the quantity of drugs

1 that you entered into with the government, that at sentencing I
2 might determine that a larger quantity was involved and if I do,
3 you will not be able to withdraw your plea of guilty. Do you
4 understand that?

5 THE DEFENDANT DUCKETT: Yes. Yes, sir.

6 THE COURT: Okay. Ms. Kimberly Gray, do you
7 understand that?

8 THE DEFENDANT K. GRAY: Yes, sir.

9 THE COURT: Mr. Meadows, do you understand?

10 THE DEFENDANT MEADOWS: Yes, sir.

11 THE COURT: Mr. Ford?

12 THE DEFENDANT FORD: Yes, sir.

13 THE COURT: And Mr. Stroud?

14 THE DEFENDANT STROUD: Yes, sir.

15 THE COURT: With regard to your guilty plea has
16 anyone made any promise other than -- promises other than those
17 that were contained in the plea agreement in order to get you to
18 plead guilty? Mr. Jeter, do you understand that?

19 THE DEFENDANT JETER: Yes, sir.

20 THE COURT: And is that -- has anybody made any
21 promise?

22 THE DEFENDANT JETER: No, sir.

23 THE COURT: Ms. Gray?

24 THE DEFENDANT D. GRAY: Yes, sir.

25 THE COURT: Has anybody made any promise to you

1 other than the plea agreement?

2 THE DEFENDANT D. GRAY: No, sir.

3 THE COURT: All right. Mr. Smith?

4 THE DEFENDANT SMITH: No, sir.

5 THE COURT: Mr. Gist?

6 THE DEFENDANT GIST: No, sir.

7 THE COURT: Mr. Cheek?

8 THE DEFENDANT CHEEK: No, sir.

9 THE COURT: Ms. Shakitta Gray?

10 THE DEFENDANT S. GRAY: No, sir.

11 THE COURT: Mr. Duckett?

12 THE DEFENDANT DUCKETT: No, sir.

13 THE COURT: Ms. Kimberly Gray?

14 THE DEFENDANT K. GRAY: No, sir.

15 THE COURT: Mr. Meadows?

16 THE DEFENDANT MEADOWS: No, sir.

17 THE COURT: Mr. Ford?

18 THE DEFENDANT FORD: No, sir.

19 THE COURT: Mr. Stroud?

20 THE DEFENDANT STROUD: No, sir.

21 THE COURT: Has anybody made any prediction or
22 prophecy or promise to you as to what your sentence will be?

23 Mr. Jeter, has anybody made any prediction, prophecy or promise
24 to you as to what your sentence would be?

25 THE DEFENDANT JETER: No, sir.

1 THE COURT: Ms. Gray?

2 THE DEFENDANT D. GRAY: No, sir.

3 THE COURT: Mr. Smith?

4 THE DEFENDANT SMITH: No, sir.

5 THE COURT: Mr. Gist?

6 THE DEFENDANT GIST: No, sir.

7 THE COURT: Mr. Cheek?

8 THE DEFENDANT CHEEK: No, sir.

9 THE COURT: Ms. Shakitta Gray?

10 THE DEFENDANT S. GRAY: No, sir.

11 THE COURT: Mr. Duckett?

12 THE DEFENDANT DUCKETT: No, sir.

13 THE COURT: Ms. Kimberly Gray?

14 THE DEFENDANT K. GRAY: No, sir.

15 THE COURT: Mr. Meadows?

16 MR. VIETH: Your Honor, I'm sorry. I need to
17 address something with Mr. Meadows.

18 THE COURT: Okay.

19 MR. VIETH: He indicates to me that --

20 (Mr. Vieth conferred with his client off the
21 record.)

22 MR. VIETH: Never mind.

23 THE DEFENDANT MEADOWS: What was the question again,
24 your Honor?

25 THE COURT: Has anybody made any prediction,

1 prophecy or promise to you about what your sentence will be?

2 THE DEFENDANT MEADOWS: No, sir.

3 THE COURT: All right. Mr. Ford?

4 THE DEFENDANT FORD: No, sir.

5 THE COURT: Or Mr. Stroud?

6 THE DEFENDANT STROUD: No, sir.

7 THE COURT: All of them are count two, right?

8 MS. HOWARD: Count one, your Honor.

9 THE COURT: Count one?

10 MS. HOWARD: Lesser included offense in count one.

11 THE COURT: Okay. I'm sorry. All right. Do each
12 of you as defendants as charged in count one of the indictment
13 against you are you -- are you, in fact, guilty of those
14 offenses? Mr. Jeter?

15 THE DEFENDANT JETER: Yes, sir.

16 THE COURT: Ms. Gray?

17 THE DEFENDANT D. GRAY: Yes, sir.

18 THE COURT: Mr. Smith?

19 THE DEFENDANT SMITH: Yes, sir.

20 THE COURT: Mr. Gist?

21 THE DEFENDANT GIST: Yes, sir.

22 THE COURT: Mr. Cheek?

23 THE DEFENDANT CHEEK: Yes, sir.

24 THE COURT: Ms. Shakitta Gray?

25 THE DEFENDANT S. GRAY: Yes, sir.

1 THE COURT: Mr. Duckett?

2 THE DEFENDANT DUCKETT: Yes, sir.

3 THE COURT: Ms. Kimberly Gray?

4 THE DEFENDANT K. GRAY: Yes, sir.

5 THE COURT: Mr. Meadows?

6 THE DEFENDANT MEADOWS: Yes, sir.

7 THE COURT: Mr. Ford?

8 THE DEFENDANT FORD: Yes, sir.

9 THE COURT: And Mr. Stroud?

10 THE DEFENDANT STROUD: Yes, sir.

11 THE COURT: Summarize the case for us.

12 MS. HOWARD: May it please the court, your Honor,
13 each of these defendants were involved in a conspiracy in Union
14 County to distribute crack cocaine. The head of this conspiracy
15 were Adrian Jeter and Fred Smith. Each of these defendants
16 either purchased hookups or sold for one of those individuals.
17 All of the people before you were street dealers and sold
18 basically on the street small amounts of crack cocaine during
19 the time of the conspiracy.

20 THE COURT: Mr. Jeter, do you agree with those
21 essential facts?

22 THE DEFENDANT JETER: Yes, sir.

23 THE COURT: Ms. Gray, do you agree with those
24 essential facts?

25 MS. CHAMBERLAIN: Your Honor, she -- one

1 complicating factor for Ms. Gray there is an unnamed
2 co-defendant co-conspirator that's involved, but she doesn't
3 deny the source of the drugs or the fact that she was a street
4 level dealer who sold drugs.

5 MS. HOWARD: Your Honor, if I can clarify, some of
6 these individuals didn't purchase or didn't get directly from
7 those top two individuals. There may have been other people,
8 but they were the source of the crack cocaine that was being
9 sold.

10 THE COURT: All right. Mr. Smith, do you agree with
11 those essential facts?

12 THE DEFENDANT SMITH: Yes, sir.

13 THE COURT: Mr. Gist?

14 THE DEFENDANT GIST: Yes, sir.

15 THE COURT: Mr. Cheek?

16 THE DEFENDANT CHEEK: Yes, sir.

17 THE COURT: Ms. Shakitta Gray?

18 THE DEFENDANT S. GRAY: Yes, sir.

19 THE COURT: Mr. Duckett?

20 THE DEFENDANT DUCKETT: Yes, sir.

21 THE COURT: Ms. Kimberly Gray?

22 THE DEFENDANT K. GRAY: Yes, sir.

23 THE COURT: Mr. Meadows?

24 THE DEFENDANT MEADOWS: Yes, sir.

25 THE COURT: Mr. Ford?

1 THE DEFENDANT FORD: Yes, sir.

2 THE COURT: And Mr. Stroud?

3 THE DEFENDANT STROUD: Yes, sir.

4 THE COURT: Do any of you have any questions about
5 your plea to this point? I'll take silence as no.

6 (No response.)

7 THE COURT: All right. It's the finding of the
8 court in case of the United States versus Tehran L. Jeter, Debra
9 Gray, Derrick Smith, Marcus L. Gist, Michael Odell Cheek,
10 Shakitta J. Gray, Willie Eugene Duckett, Kimberly Nicole Gray,
11 Willie Meadows, Lemonze E. Ford, Travis J. Stroud, that each
12 defendant is fully competent and capable of entering into an
13 informed plea and he or she has done so and that plea has been
14 knowing and voluntary supported by an independent basis in fact
15 containing each of the essential elements of the offense, that
16 each defendant has understood the constitutional rights and
17 other procedural rights that they are entitled to and that they
18 have waived by this guilty plea and that they each have
19 indicated they are satisfied with their attorneys, those who
20 filed motions for suppression understand those are now moot and
21 will not be heard, and therefore I accept each defendants plea
22 and adjudge them guilty of those offenses. We will wait on
23 presentencing reports.

24 MS. HOWARD: Thank you, your Honor.

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1 I certify that the foregoing is a correct transcript from the
2 record of proceedings in the above entitled matter.

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4 Jan L Cole

7-15-04

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